



REPORT TO: AUDIT AND SCRUTINY COMMITTEE ON 22 NOVEMBER 2023

**SUBJECT: SCOTTISH PUBLIC SERVICES OMBUDSMAN
RECOMMENDATIONS REPORT**

BY: CHIEF EXECUTIVE

1. REASON FOR REPORT

- 1.1 The Committee is asked to consider the Scottish Public Services Ombudsman (SPSO) Recommendations Report.
- 1.2 This report is submitted to Committee in terms of Section III (A) (4) of the Council's Scheme of Administration relating to monitoring performance of the services in accordance with the Council's performance management framework.

2. RECOMMENDATION

- 2.1 **The Committee is invited to consider the content of the SPSO Recommendations Report in Appendix 1, seek clarification on any points arising and otherwise approve the report.**

3. BACKGROUND

- 3.1 Complaints handling is part of the Council's Performance Management Framework. Members receive updates on complaints performance through routine reports to service committees.
- 3.2 All complaints operate through a two stage complaints process.
- 3.3 Once a complaint has passed through the complaints process, a complainant has the option of having their complaint considered by the SPSO. Following SPSO investigation, they can make recommendations to help councils learn from mistakes and implement service improvements.
- 3.4 The SPSO has asked authorities to confirm that SPSO complaint recommendations are reviewed at a senior level by returning an annual 'learning and improvement statement' confirming this. This builds on the model complaints handling procedures that set out the importance of the Council being able to demonstrate how they 'systematically review complaints performance reports to improve service delivery'. The Council's statement includes a commitment to report on SPSO recommendations annually to this Committee.

- 3.5 The SPSO introduced a 'learning and improvement unit' (LIU) to ensure public authorities take the necessary responsibility and actions to handle complaints well and reduce the occurrence of repeat mistakes. The aim of the LIU is to enhance the impact of their work by helping authorities improve public services through learning from complaints.
- 3.6 One of the main areas the LIU focus on is SPSO recommendations. A key part of this work includes providing authorities with additional support and advice on how to meet their recommendations with a view to preventing repeat service failings and complaints. In addition to this extra support, they are looking to adopt a tighter escalation process for the very few cases where their recommendations are not being implemented, with the potential to lead to a Special Report.

4. SPSO RECOMMENDATIONS FOR REPORTING PERIOD 2022-23

- 4.1 Table 1 (**APPENDIX A**) shows all Council complaints in the reporting period 2022/23 where the Council received notification of referral by complainants to the SPSO. No significant recommendations were made. The Council were provided with SPSO feedback as detailed at cases 9 and 12.

Case 9

- 4.2 Case 9, SPSO reference 202204802 relates to a complaint that the council had failed to provide suitable playpark resources for a child's disability needs and further regarding not addressing all complaint points and showing a lack of understanding in the language used in the Council's response to this complaint.
- 4.3 SPSO were satisfied that the Council had upheld this complaint however they identified issues that the council should have addressed and requested that a revised final response be issued. This was done to the satisfaction of SPSO and the complainant.
- 4.4 SPSO provided one feedback issue:
- Care should be taken to ensure that all points of the original complaint are properly addressed.

Case 12

- 4.5 Case 12, SPSO reference 202209451 relates to a complaint containing four issues associated with an annual gas safety check and the contract relating to this. SPSO were satisfied that the Council had properly investigated and upheld three of the complaint issues.
- 4.6 The fourth complaint issue related to a staff member, known to the complainant, allegedly sharing information with a third party without the complainant's consent. This was denied by the staff member and the complaint was not upheld.
- 4.7 SPSO provided one feedback issue:
- On the fourth complaint point: the third party was not spoken to to ascertain their account. This was subsequently done and the complaint remained not upheld. SPSO were satisfied that this complaint aspect had now been fully investigated.

5. **SUMMARY OF IMPLICATIONS**

(a) **Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

Effective handling of complaints is used to ensure the efficient and sustainable delivery of services to meet the Council's priorities in 'Moray 2026: A Plan for the Future.' Within the Moray Council Corporate Plan, it has been identified that "we will talk to our customers and see how they would like services improved" that is a core part of the process of learning from complaints. SPSO recommendations often necessitate further communication with customers.

(b) **Policy and Legal**

The SPSO requested a 'Learning and Improvement statement' in support of our statutory requirement to report to the SPSO annually on their performance indicators.

(c) **Financial implications**

There are no financial implications in this report. The two complaint recommendations referred to in this report are not linked in any way to financial claims.

(d) **Risk Implications**

Failure to report may result in SPSO making a declaration of non-compliance against the Council. Non-compliance with the statutory duty relating to national standards being adopted would present risk in terms of reputational damage and a loss of public confidence in our ability to deliver quality improvements based on complaints analysis, and ultimately to maintaining and improving service standards.

(e) **Staffing Implications**

There are no staffing implications related to this report.

(f) **Property**

There are no property implications related to this report.

(g) **Equalities/Socio Economic Impact**

The Equal Opportunities Officer has recommended that where services are experiencing high volumes of complaints, the management of respective services should arrange to identify common complaint issues and any learning arising. This will help to ensure that complaints are not arising from situations where customer diversity needs have not been considered or addressed, e.g. disability or cultural issues.

The Officer further recommends that where there is evidence or a possibility that a complaint is related to characteristics protected under the Equality Act 2010 (race, disability, sex, religion/belief, sexual orientation, age, gender reassignment, pregnancy/maternity), services make contact the Council's Equal Opportunity Officer.

(h) Climate Change and Biodiversity Impacts

There are no climate change and biodiversity impacts related to this report.

(i) Consultations

The Corporate Management Team has been consulted on the contents of SPSO Recommendations report.

6. CONCLUSION

6.1 The SPSO Recommendations Report presents Council action taken to address SPSO recommendations.

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Background Papers: SPSO PIs
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